

Examiner-Initiated Interview Summary	Application No.	Applicant(s)
	09/782,896	KIKINIS, DAN
	Examiner USHA RAMAN	Art Unit 2424

All participants (applicant, applicant's representative, PTO personnel):

- (1) USHA RAMAN. (3) _____.
 (2) Andy Mu. (4) _____.

Date of Interview: 05 September 2012.

Type: Telephonic Video Conference
 Personal [copy given to: applicant applicant's representative]

Exhibit shown or demonstration conducted: Yes No.
 If Yes, brief description: _____.

Issues Discussed 101 112 102 103 Others

(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 13-18.

Identification of prior art discussed: _____.

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Examiner contacted attorney seeking authorization for examiner's amendment that would overcome the subject matter eligibility of "Computer readable medium" to put the case in condition for allowance. While examiner suggested non-transitory and alternative languages that would overcome the deficiencies, applicant requested amending the claims to "computer-readable storage medium" stating that a recent board decision Ex Parte Riley (US App. No. 10/915174) noted that "storage medium" was distinguished from transmission medium and therefore would overcome the deficiency. Examiner however notified the applicant that "storage medium" in itself would not overcome the subject matter eligibility problem, because the state of the art, under BRI, encompasses non-transitory forms of "storage medium", which is current with the current Office Policy and that particular board decision was not binding.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 2424